

## **EXHIBIT 4**

**FIRST AMENDED SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

Additional Parties Attachment form is attached.

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JANE DOE, an individual

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, CENTRAL DIVISION  
330 West Broadway  
San Diego, CA 92101

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Linda G. Workman, SBN 128621  
750 B Street, Suite 2720  
San Diego, CA 92101

DICKS & WORKMAN, APC  
(619) 685-6800

DATE: **MAR 07 2012** Clerk, by **M. PHAM**, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify):

under:  CCP 416.10 (corporation)  
 CCP 416.20 (defunct corporation)  
 CCP 416.40 (association or partnership)  
 other (specify):

CCP 416.60 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.90 (authorized person)

4.  by personal delivery on (date):

SUM-200(A)

SHORT TITLE: DOE v. CITY OF SAN DIEGO, et al.	NUMBER: 37-2012-00092039-CU-PO-CTL
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties (Check only one box. Use a separate page for each type of party.):**

Plaintiff  Defendant  Cross-Complainant  Cross-Defendant

THE CITY OF SAN DIEGO, by and through the SAN DIEGO POLICE DEPARTMENT, a public entity; ANTHONY AREVALOS, an individual; KEVIN FRIEDMAN, an individual; DAVID BEJARANO, an individual; WILLIAM LANSDOWNE, an individual; and DOES 1 through 50, inclusive

Page \_\_\_\_\_ of \_\_\_\_\_

Page 1 of 1

1 Joseph G. Dicks (SBN 127362)  
 2 Linda G. Workman (SBN 128621)  
 3 DICKS & WORKMAN, APC  
 4 750 B Street, Suite 2720  
 5 San Diego, California 92101  
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COURT - SUPERIOR COURT  
SAN DIEGO COUNTY, CA

6 Attorneys for JANE DOE, Plaintiff  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO, CENTRAL DIVISION

JANE DOE, an individual,

Plaintiff,

v.

THE CITY OF SAN DIEGO, by and through the SAN DIEGO POLICE DEPARTMENT, a public entity; ANTHONY AREVALOS, an individual; KEVIN FRIEDMAN, an individual; DAVID BEJARANO, an individual; WILLIAM LANSDOWNE, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2012-00092039-CU-PO-CTL

FIRST AMENDED COMPLAINT FOR DAMAGES FOR:

- (1) SEXUAL ASSAULT;
- (2) SEXUAL BATTERY;
- (3) FALSE ARREST;
- (4) FALSE IMPRISONMENT;
- (5) VIOLATION OF STATUTE: CIVIL CODE § 52.1;
- (6) VIOLATION OF STATUTE: CIVIL CODE § 51.7;
- (7) VIOLATION OF STATUTE: CIVIL CODE § 52.4;
- (8) VIOLATION OF STATUTE: 42 USC § 1983;
- (9) NEGLIGENCE; AND
- (10) INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

IMAGED FILE

Plaintiff alleges:

I. VENUE

1. Venue is proper in the San Diego County Superior Court because one or more of the defendants resides in San Diego, California, Plaintiff sustained injuries in San Diego County, and the misconduct, which is the subject of this action, was perpetrated in San Diego

COPY

**County.**

## II. PARTIES

2. Plaintiff JANE DOE is an individual, and at all times relevant to the matters alleged herein, was over the age of eighteen.

3. Plaintiff is informed and believes that Defendant CITY OF SAN DIEGO, by and through the SAN DIEGO POLICE DEPARTMENT, is a public entity. Plaintiff has complied with all relevant and applicable claims statutes.

8       4. Plaintiff is informed and believes that Defendants Officer ANTHONY  
9 AREVALOS ("OFFICER AREVALOS"), Sergeant KEVIN FRIEDMAN ("SERGEANT  
10 FRIEDMAN"), Chief DAVID BEJARANO ("CHIEF BEJARANO") and Chief WILLIAM  
11 LANSDOWNE ("CHIEF LANSDOWNE") are individuals who are or were, at all relevant  
12 times during the events and transactions which form the basis of Plaintiff's claims as set forth  
13 herein, employed by Defendant CITY OF SAN DIEGO, by and through the SAN DIEGO  
14 POLICE DEPARTMENT, or some other division/department of Defendant CITY OF SAN  
15 DIEGO, and were at all relevant times, acting under the color of law and in the course and  
16 scope of their employment with Defendant CITY OF SAN DIEGO.

17       5. Plaintiff is informed and believes that Defendants DOES 1 through 50 are  
18 entities or individuals who are in some manner legally responsible for the wrongdoing alleged  
19 in this First Amended Complaint, and were a substantial factor in causing Plaintiff's damages.  
20 Plaintiff does not know the true names of defendants sued as DOES 1 through 50, and  
21 therefore sues them by fictitious names. The names, capacities and relationship of DOES 1  
22 through 50 will be alleged by amendment to the First Amended Complaint when they are  
23 known. DOES 1 through 50 were, at all relevant times, acting under the color of law and in the  
24 course and scope of their respective employments.

25       6. Defendants CITY OF SAN DIEGO, by and through the SAN DIEGO POLICE  
26 DEPARTMENT, OFFICER AREVALOS, SERGEANT FRIEDMAN, CHIEF BEJARANO,  
27 CHIEF LANSDOWNE and DOES 1 through 50, are referred to collectively as "Defendants."  
28 Plaintiff is informed and believes that each of the Defendants was the agent, employee,

1 employer and/or co-conspirator of the others, and in doing the things alleged herein, was acting  
 2 within the course and scope of its agency, employment, and/or conspiracy, and ratified,  
 3 approved, concealed, covered up, condoned, accepted and/or encouraged, for their own benefit  
 4 and gain, the acts and inactions of each other.

5 **III. GENERAL ALLEGATIONS**

6       7. The first transaction or event that forms the basis of Plaintiff's claims as alleged  
 herein occurred in or about the year 1993, when OFFICER AREVALOS was hired by  
 8 Defendant CITY OF SAN DIEGO as a police officer, with all of the powers, responsibilities  
 9 and duties attendant thereto. Unfortunately for Plaintiff and other unsuspecting victims of  
 10 OFFICER AREVALOS' conduct, as more specifically set forth below, Defendant CITY OF  
 11 SAN DIEGO and DOES 1 through 50 failed to properly test, screen, examine or evaluate  
 12 OFFICER AREVALOS. As a consequence of that failure, Defendant CITY OF SAN DIEGO  
 13 and DOES 1 through 50 failed to properly identify OFFICER AREVALOS for what he was – a  
 14 dangerous sexual predator. Plaintiff is informed and believes, and thereon alleges that had  
 15 Defendant CITY OF SAN DIEGO and DOES 1 through 50 properly tested, screened,  
 16 examined and evaluated OFFICER AREVALOS prior to his hiring, he never would have been  
 17 hired.

18       8. The next series of transactions and events that form the basis of Plaintiff's  
 claims as alleged herein was the establishment and promulgation of an unwritten official  
 19 policy, custom, and practice by OFFICER AREVALOS' supervisors and superiors, including,  
 20 but not limited to Defendants SERGEANT FRIEDMAN, CHIEF BEJARANO, CHIEF  
 21 LANSDOWNE, and DOES 1 through 50, which provided OFFICER AREVALOS and others  
 22 with the feeling and belief that their conduct, as illegal as it was, was not going to be punished  
 23 and would instead be protected as a privilege of their position as police officers. While  
 24 "protect and serve" may have been the motto affixed to OFFICER AREVALOS' patrol car, an  
 25 unwritten official policy, custom, and practice existed within the SAN DIEGO POLICE  
 26 DEPARTMENT which allowed officers to serve themselves, if they so desired, as long as they  
 27 took reasonable steps to avoid getting caught. This unwritten official policy, custom, and

1 practice allowed OFFICER AREVALOS to feel entitled to repeatedly stalk, molest, harass,  
 2 kidnap, falsely arrest, falsely imprison, sexually assault and batter, and violate the civil rights  
 3 of female citizens of the City of San Diego without fear of reprisal by his supervisors and  
 4 superiors. In accord with the unwritten official policy, custom, and practice of Defendants,  
 5 OFFICER AREVALOS selected for his victims women who were out alone at night, thereby  
 6 providing Defendants with what they considered to be "plausible deniability" in the  
 7 administration of their unwritten official policy, custom, and practice. If faced with a report of  
 8 police misconduct, Defendants knew they could evade professional or legal consequences by  
 9 simply claiming that these female victims were "drunk" and/or "lacking in credibility."

10       9.      The next series of transactions and events that form the basis of Plaintiff's  
 11 claims as alleged herein were the serial stalkings, molests, harassments, kidnaps, false arrests,  
 12 false imprisonments, sexual assaults and batteries, and violations of civil rights of female  
 13 citizens that OFFICER AREVALOS committed as an on-duty, sworn member of the SAN  
 14 DIEGO POLICE DEPARTMENT, which were known, encouraged, authorized, and ratified by  
 15 OFFICER AREVALOS' supervisors and superiors, including, but not limited to Defendants  
 16 SERGEANT FRIEDMAN, CHIEF BEJARANO, CHIEF LANSDOWNE, and DOES 1  
 17 through 50. While patrolling the streets of San Diego in a marked police car and making use  
 18 of his badge, uniform, gun, mace, baton, handcuffs and other tools of the trade, OFFICER  
 19 AREVALOS purposefully targeted solitary women as his prey and perpetrated attacks upon  
 20 them under color of authority during otherwise routine traffic stops. While many of OFFICER  
 21 AREVALOS' victims were too scared and intimidated to report his attacks, others did have the  
 22 courage to report the attacks to OFFICER AREVALOS' supervisors and superiors, including,  
 23 but not limited to Defendants SERGEANT FRIEDMAN, CHIEF BEJARANO, CHIEF  
 24 LANSDOWNE and DOES 1 through 50. Some of these reports were corroborated by fellow  
 25 law enforcement personnel and other witnesses. Not only did Defendants "look the other way"  
 26 in the face of OFFICER AREVALOS' violent and perverted acts and propensities, as well as  
 27 "turn a deaf ear" to pleas for help from female victims and to corroborating reports by fellow  
 28 law enforcement personnel and members of the public, but Defendants also acted in such a

1 way as to encourage, authorize and ratify these attacks, including but not limited to: (1)  
2 allowing OFFICER AREVALOS to collect inappropriate photographs, undergarments and  
3 shoes of female victims, suspects and others, which were obtained by him in the course and  
4 scope of his employment with the SAN DIEGO POLICE DEPARTMENT; (2) granting  
5 OFFICER AREVALOS permission to drive young females whom he had stopped for routine  
6 traffic violations to quiet, dark or private locations knowing that he would perpetrate sexual  
7 attacks against them; (3) allowing OFFICER AREVALOS to drive victims home; (4) allowing  
8 OFFICER AREVALOS to drive alone with a victim to a local hospital after she reported his  
9 sexual assault of her to law enforcement personnel; and (5) allowing OFFICER AREVALOS  
10 to continue to patrol without a partner in the Gaslamp District of downtown San Diego after  
11 being reported for sexual misconduct and after being investigated by the San Diego County  
12 District Attorney's Office.

13       10.     The next series of transactions and events that form the basis of Plaintiff's  
14 claims as alleged herein was the illegal cover-up of police misconduct undertaken by  
15 OFFICER AREVALOS' supervisors and superiors, including, but not limited to Defendants  
16 SERGEANT FRIEDMAN, CHIEF BEJARANO, CHIEF LANSOWNE, and DOES 1  
17 through 50. Knowing OFFICER AREVALOS' propensity to commit violent and perverted  
18 acts upon female members of the public during the course and scope of employment, not only  
19 did Defendants fail to punish OFFICER AREVALOS or terminate OFFICER AREVALOS'  
20 employment with the SAN DIEGO POLICE DEPARTMENT, but Plaintiff is informed and  
21 believes, and thereon alleges that Defendants conspired to, and did in fact, purposefully and  
22 systematically cover-up OFFICER AREVALOS' many attacks. Furthermore, Defendants  
23 intentionally and systematically sought to improperly quash the investigation and prosecution  
24 of OFFICER AREVALOS by law enforcement, including the San Diego County District  
25 Attorney's Office. Not until Plaintiff reported her attack, part of which was caught on hidden  
26 camera thereby making it impossible for Defendants to further cover-up for OFFICER  
27 AREVALOS, or each other, were Defendants forced to fire OFFICER AREVALOS.

28       11.     The next transaction or event that forms the basis for Plaintiff's claims as

1 alleged herein is OFFICER AREVALOS' attack on Plaintiff. On March 8, 2011, Plaintiff was  
 2 the victim of numerous, serious and violent crimes as described in Penal Code sections 207(a),  
 3 220, 289, 422.7, and 646.9, and related crimes. Plaintiff was sexually assaulted, molested,  
 4 harassed, battered, kidnapped, falsely arrested, falsely imprisoned and deprived of her civil  
 5 rights at the hands of OFFICER AREVALOS while he was an on-duty, uniformed police  
 6 officer with the SAN DIEGO POLICE DEPARTMENT. At the time of this attack, OFFICER  
 7 AREVALOS was being supervised by Defendant SERGEANT FRIEDMAN, CHIEF  
 8 LANSDOWNE and DOES 1 through 50. OFFICER AREVALOS could not, and would not  
 9 have perpetrated his attack on Plaintiff had Defendants not failed in their hiring and on-going  
 10 supervision of OFFICER AREVALOS, including their failure to report, investigate, punish, or  
 11 terminate OFFICER AREVALOS for his repeated acts of sexual misconduct. Moreover,  
 12 OFFICER AREVALOS could not, and would not have perpetrated his attack on Plaintiff had  
 13 Defendants not established an unwritten official policy, custom and practice which permitted  
 14 and encouraged OFFICER AREVALOS to act in violation of the law, and thereafter  
 15 authorized, ratified, and covered up OFFICER AREVALOS' sexual misconduct.

16       12. As set forth above, at all times relevant herein, Defendant CITY OF SAN  
 17 DIEGO, by and through the SAN DIEGO POLICE DEPARTMENT, its officers, detectives,  
 18 supervisors and high ranking officials with the authority and ability to set and enforce SAN  
 19 DIEGO POLICE DEPARTMENT policy and procedure, including SERGEANT FRIEDMAN,  
 20 CHIEF BEJARANO, CHIEF LANSDOWNE and DOES 1 through 50, had as a matter of fact  
 21 created and implemented an unwritten official policy, custom, and practice that permitted and  
 22 encouraged its agents, employees, and co-conspirators to deny Plaintiff and other members of  
 23 the general public their rights to equal protection under the law and to due process of law, their  
 24 right to be free from unreasonable search and seizure, and other rights guaranteed under the  
 25 United States and California Constitutions, as well as statutory and common law rights as more  
 26 specifically set forth herein.

27       13. At all times relevant herein, OFFICER AREVALOS, SERGEANT  
 28 FRIEDMAN, CHIEF BEJARANO, CHIEF LANSDOWNE and DOES 1 through 50 acted

1 under the color of authority and exercised their police powers, including but not limited to  
2 making use of their badges, uniforms, vehicles, emergency lights, radios, guns, mace, batons,  
3 handcuffs, and all of the actual and perceived authority that said tools of the trade imply, to  
4 carry out the unlawful acts alleged herein.

5       14. OFFICER AREVALOS singled Plaintiff out for sexual abuse, discrimination  
6 and harassment because she is a woman. OFFICER AREVALOS stalked Plaintiff, kidnapped,  
7 falsely arrested and imprisoned her in violation of the California Penal Code and then  
8 subjected her to sexual assault and battery and harassment, involving sexual penetration, as  
9 defined under Penal Code section 289.

10      15. OFFICER AREVALOS' actions were an offense to Plaintiff's personal dignity  
11 and caused her to suffer physical injuries, severe humiliation, outrage, anxiety, fear, mental  
12 anguish and emotional distress.

13      16. Plaintiff is informed and believes that OFFICER AREVALOS' actions,  
14 including the stalking, sexual assault, molest, harassment, battery, kidnap, false arrest, false  
15 imprisonment and deprivation of civil rights were motivated by Plaintiff's gender, as  
16 OFFICER AREVALOS singled out Plaintiff for the above-referenced treatment because she  
17 was and is a woman.

18      17. By his conduct, OFFICER AREVALOS intended to deprive Plaintiff of her  
19 constitutionally protected civil rights to live and work within the City of San Diego without  
20 being singled out because of her gender and subjected to stalking, kidnap, false arrest, false  
21 imprisonment and unwanted, harmful and offensive sexual contact, molestation, harassment,  
22 assault and battery at the hands of its uniformed police officers.

23      18. Plaintiff is informed and believes and thereon alleges that the actions of  
24 OFFICER AREVALOS against her as described in this First Amended Complaint are not the  
25 first time that OFFICER AREVALOS has engaged in this type of conduct as an on-duty,  
26 uniformed police officer with the SAN DIEGO POLICE DEPARTMENT. As set forth above,  
27 Plaintiff is informed and believes and thereon alleges that OFFICER AREVALOS had, on  
28 numerous occasions prior to attacking Plaintiff, engaged in the same or similar conduct with

1 respect to other female members of the general public while OFFICER AREVALOS was an  
2 on-duty uniformed police officer with the SAN DIEGO POLICE DEPARTMENT and while  
3 under the supervision of and with the knowledge, consent, approval, encouragement and/or  
4 acceptance of Defendants.

5       19. Plaintiff is informed and believes and thereon alleges that Defendants were,  
6 prior to OFFICER AREVALOS' stalking, sexual assault, molest, harassment, battery, kidnap,  
7 false arrest and false imprisonment of Plaintiff and violation of Plaintiff's civil rights, made  
8 aware of OFFICER AREVALOS' prior similar acts, proclivities, propensities and willingness  
9 to engage in the same or similar acts while a uniformed, on-duty police officer for the SAN  
10 DIEGO POLICE DEPARTMENT, and thus knew, or with reasonable diligence should have  
11 known, that OFFICER AREVALOS was a sexual predator and a danger to Plaintiff and other  
12 female members of the general public.

13       20. As set forth above in this First Amended Complaint, Defendants knew that  
14 OFFICER AREVALOS was: (1) collecting and keeping, for the primary purpose of satisfying  
15 his perverse, lewd and lascivious sexual desires, inappropriate, compromising, lewd and  
16 lascivious photographs of female victims, suspects and others which were obtained by him in  
17 the course and scope of his employment with the SAN DIEGO POLICE DEPARTMENT; (2)  
18 collecting and keeping, for the primary purpose of satisfying his perverse, lewd and lascivious  
19 sexual desires, the undergarments, shoes and photographs thereof, belonging to female victims,  
20 suspects and others which were obtained by him in the course and scope of his employment  
21 with the SAN DIEGO POLICE DEPARTMENT; (3) habitually, and for the primary purpose  
22 of satisfying his perverse, lewd and lascivious sexual desires, initiating traffic stops on female  
23 members of the general public so that he could advance his plan, as a sexual predator, to  
24 threaten, kidnap, falsely arrest, falsely imprison, sexually assault, molest, harass, batter and  
25 deprive said female members of the general public of their civil rights; (4) habitually, and for  
26 the primary purpose of satisfying his perverse, lewd and lascivious sexual desires, stalking, in  
27 person, by telephone, and other electronic means, female members of the general public so that  
28 he could advance his plan, as a sexual predator, to threaten, kidnap, falsely arrest, falsely

1       imprison, sexually assault, molest, harass, batter and deprive said female members of the  
 2       general public of their civil rights; and (5) habitually, and for the primary purpose of satisfying  
 3       his perverse, lewd and lascivious sexual desires, digitally penetrating and penetrating with  
 4       foreign objects the vaginas of females who he targeted for abuse.

5           21.      As a consequence of said knowledge, Defendants were aware of the danger  
 6       OFFICER AREVALOS posed, as a sexual predator, to Plaintiff and other unsuspecting,  
 7       vulnerable female targets of OFFICER AREVALOS' criminal conduct. Unfortunately for  
 8       Plaintiff and other victims, Defendants failed to take any or adequate steps to prevent, mitigate  
 9       or otherwise avoid the obvious danger OFFICER AREVALOS posed to Plaintiff and other  
 10      female members of the general public who all justifiably relied on Defendants, and each of  
 11      them, to adequately screen, hire, train, retain, supervise, report, discipline, monitor, control and  
 12      terminate, if necessary, OFFICER AREVALOS as a sworn peace officer. In fact, Defendants'  
 13      conduct in condoning, approving, ratifying, consenting to, encouraging, accepting, refusing to  
 14      stop, failing to prevent, failing to train, covering up and remaining silent in the face of such  
 15      conduct, created an atmosphere and culture of acceptance of OFFICER AREVALOS' pattern  
 16      and practice of conduct that went beyond a simple "code of silence," and which amounted to  
 17      an unwritten official policy, custom, and practice that provided OFFICER AREVALOS with  
 18      the feeling, assurance and belief that his conduct, illegal as it was, was not going to be  
 19      punished and would instead be protected as a privilege that went along with his badge and gun.  
 20      Defendants knew, or it should have been obvious to Defendants, that this unwritten official  
 21      policy, custom, and practice was likely to result in a deprivation of Plaintiff's rights to equal  
 22      protection under the law, to due process of law, her right to be free from unreasonable search  
 23      and seizure, and other rights guaranteed under the United States and California Constitutions,  
 24      as well as statutory and common law rights as more specifically set forth herein.

25           **IV. PLAINTIFF'S PROTECTED PRIVACY STATUS**

26           22.      Due to the sexual nature of the crimes, Plaintiff requests and is entitled to  
 27      remain anonymous. Without the use of a pseudonym, her true name and face would become  
 28      publicly associated with the details of the sexual assault against her and it would cause her

1 further serious emotional distress as she fears retaliation, retribution and/or recrimination from  
2 members or former members of the CITY OF SAN DIEGO, SAN DIEGO POLICE  
3 DEPARTMENT, other law enforcement agencies, and misguided members of the public at  
4 large who resent Plaintiff for having come forward with her complaint against OFFICER  
5 AREVALOS and encouraging others, by her act of bravery, to come forward.

6       23.     Public disclosure would expose Plaintiff to further humiliation, ridicule, and to  
7 possible future threats, sexual harassment or stalking, and may result in retaliation by current  
8 or former members of the CITY OF SAN DIEGO, SAN DIEGO POLICE DEPARTMENT or  
9 other law enforcement agencies whose members or former members resent Plaintiff for having  
10 reported OFFICER AREVALOS, for having testified against OFFICER AREVALOS in his  
11 criminal proceeding, and for bringing and prosecuting the current lawsuit.

12        24. Accordingly, pursuant to Penal Code sections 293 and 293.5, Plaintiff requests  
13 the continued protection of pseudonym status in order to safeguard her privacy and to prevent  
14 further emotional distress, humiliation and further sexual harassment, stalking, battery, assault  
15 and violations of her civil rights.

## V. FIRST CAUSE OF ACTION

**(Sexual Assault – Against All Defendants)**

18 | 25. Plaintiff incorporates herein paragraphs 1 through 24, above.

19           26. OFFICER AREVALOS threatened to touch Plaintiff in a harmful or offensive  
20 manner.

21       27. It reasonably appeared to Plaintiff that OFFICER AREVALOS was about to  
22 carry out the threat.

23           28. OFFICER AREVALOS acted intending to cause harmful or offensive contact  
24 with Plaintiff.

29. Plaintiff did not consent to OFFICER AREVALOS' conduct.

30. Plaintiff was harmed when OFFICER AREVALOS caused her imminent fear of  
a harmful or offensive contact with Plaintiff's genitals, anus, groin, buttocks and breasts.

28 31. In so doing, and as alleged herein, OFFICER AREVALOS and all other

1 Defendants acted under color of authority, within the course and scope of employment, agency,  
2 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
3 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
4 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
5 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
6 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
7 other female members of the general public similarly situated.

8       32. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
9 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
10 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
11 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
12 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
13 trial, but not less than \$25,000.

14                     VI. SECOND CAUSE OF ACTION

15                     (Sexual Battery - Against All Defendants)

16       33. Plaintiff incorporates herein paragraphs 1through 24, above.

17       34. OFFICER AREVALOS intended to and in fact did cause harmful or offensive  
18 contact with Plaintiff's genitals, buttocks and breasts, and a sexually offensive contact with  
19 Plaintiff resulted.

20       35. Plaintiff did not consent to OFFICER AREVALOS' conduct.

21       36. OFFICER AREVALOS caused a harmful or offensive contact with Plaintiff's  
22 genital area, buttocks and breasts.

23       37. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
24 Defendants acted under color of authority, within the course and scope of employment, agency,  
25 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
26 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
27 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
28 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for

1 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
2 other female members of the general public similarly situated.

3       38. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
4 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
5 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
6 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
7 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
8 trial, but not less than \$25,000.

9                      **VII. THIRD CAUSE OF ACTION**

10                     **(False Arrest - Against All Defendants)**

11       39. Plaintiff incorporates herein paragraphs 1 through 24, above.

12       40. Plaintiff was wrongfully arrested by OFFICER AREVALOS without a warrant  
13 and without probable cause.

14       41. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
15 Defendants acted under color of authority, within the course and scope of employment, agency,  
16 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
17 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
18 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
19 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
20 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
21 other female members of the general public similarly situated.

22       42. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
23 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
24 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
25 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
26 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
27 trial, but not less than \$25,000.

28       ///

## VIII. FOURTH CAUSE OF ACTION

**(False Imprisonment - Against All Defendants)**

43. Plaintiff incorporates herein paragraphs 1 through 24, above.

44. OFFICER AREVALOS wrongfully detained Plaintiff, intentionally depriving Plaintiff of her freedom of movement by use of physical barriers, threats of force, use of force and false imprisonment, coercion and duress.

45. The detention resulted in OFFICER AREVALOS compelling Plaintiff to go to a public restroom at a nearby 7-Eleven retail store against her will and stay there for an appreciable time while OFFICER AREVALOS sexually assaulted, molested, harassed and battered Plaintiff.

46. Plaintiff did not knowingly or voluntarily consent.

47. In so doing, and as alleged herein, OFFICER AREVALOS and all other Defendants acted under color of authority, within the course and scope of employment, agency, and in conspiracy with each other, and pursuant to the established unwritten official policy, custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein, the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified, approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and other female members of the general public similarly situated.

48. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and substantial factor in causing Plaintiff harm. If not for the failures and misconduct of Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame, loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of trial, but not less than \$25,000.

## **IX. FIFTH CAUSE OF ACTION**

**(Violation of Statute: Civil Code § 52.1 - Against All Defendants)**

49. Plaintiff incorporates herein paragraphs 1 through 48, above.

1       50. By intimidation, threats and violence, OFFICER AREVALOS interfered with,  
2 or attempted to interfere with, Plaintiff's right to be free of physical restraints, within the City  
3 of San Diego, and her right to be free of unwanted sexual assault, harassment, molestation and  
4 battery.

5       51. Plaintiff reasonably believed that if she tried to exercise her right to be free of  
6 physical restraints, avoid being sexually assaulted, harassed, molested and battered, OFFICER  
7 AREVALOS would commit additional and more severe acts of violence against her.

8       52. OFFICER AREVALOS harmed Plaintiff in order to interfere with her right to  
9 be free from physical restraints and unwanted sexual assault, molestation and battery.

10      53. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
11 Defendants acted under color of authority, within the course and scope of employment, agency,  
12 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
13 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
14 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
15 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
16 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
17 other female members of the general public similarly situated.

18      54. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
19 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
20 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
21 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
22 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
23 trial, but not less than \$25,000.

24      55. As a direct and proximate result of Defendants' conduct, Plaintiff was required  
25 to retain the services of legal counsel to prosecute this case. Plaintiff has reasonably and  
26 necessarily incurred legal fees, and Plaintiff is informed and believes that she will reasonably  
27 and necessarily incur further legal fees in the future, all in an amount to be proven at trial, but  
28 not less than \$25,000.

## X. SIXTH CAUSE OF ACTION

**(Violation of Statute: Civil Code § 51.7 - Against All Defendants)**

56. Plaintiff incorporates herein paragraphs 1 through 55, above.

4           57. OFFICER AREVALOS intentionally threatened and committed violence  
5 against Plaintiff.

6           58. A motivating reason for OFFICER AREVALOS' threatened violence was his  
7 perception of Plaintiff's gender as a woman.

8       59. A reasonable person in Plaintiff's position would have believed that Defendant  
9 OFFICER AREVALOS would carry out his threat, and Plaintiff in fact believed that  
10 Defendant OFFICER AREVALOS would carry out his threat.

11           60.     A reasonable person in Plaintiff's position would have been intimidated by  
12 Defendant OFFICER AREVALOS' conduct, and Plaintiff was in fact intimidated by  
13 Defendant OFFICER AREVALOS' conduct.

14        61.      In so doing, and as alleged herein, OFFICER AREVALOS and all other  
15 Defendants acted under color of authority, within the course and scope of employment, agency,  
16 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
17 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
18 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
19 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
20 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
21 other female members of the general public similarly situated.

22       62. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
23 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
24 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
25 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
26 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
27 trial, but not less than \$25,000.

28 63. As a direct and proximate result of Defendants' conduct, Plaintiff was required

1 to retain the services of legal counsel to prosecute this case. Plaintiff has reasonably and  
2 necessarily incurred legal fees, and Plaintiff is informed and believes that she will reasonably  
3 and necessarily incur further legal fees in the future, all in an amount to be proven at trial, but  
4 not less than \$25,000.

5 **XI. SEVENTH CAUSE OF ACTION**

6 **(Violation of Statute: Civil Code § 52.4 - Against All Defendants)**

7 64. Plaintiff incorporates herein by reference paragraphs 1 through 63, above.

8 65. OFFICER AREVALOS, in committing the acts and crimes set forth above, has  
9 subjected Plaintiff to gender violence as defined in Civil Code §52.4, causing her severe  
10 emotional distress in the form of anxiety, depression, humiliation, shame, loss of sleep, fear  
11 and rage.

12 66. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
13 Defendants acted under color of authority, within the course and scope of employment, agency,  
14 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
15 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
16 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
17 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
18 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
19 other female members of the general public similarly situated.

20 67. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
21 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
22 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
23 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
24 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
25 trial, but not less than \$25,000.

26 68. As a direct and proximate result of Defendants' conduct, Plaintiff was required  
27 to retain the services of legal counsel to prosecute this case. Plaintiff has reasonably and  
28 necessarily incurred legal fees, and Plaintiff is informed and believes that she will reasonably

1 and necessarily incur further legal fees in the future, all in an amount to be proven at trial, but  
2 not less than \$25,000.

3                   **XII. EIGHTH CAUSE OF ACTION**

4                   **(Violation of Federal Civil Rights: 42 U.S.C. § 1983 - Against All Defendants)**

5                 69. Plaintiff incorporates herein paragraphs 1 through 68, above.

6                 70. OFFICER AREVALOS intentionally interfered with Plaintiff's civil rights by  
7 intimidation, coercion, violence, threats of violence and unlawful acts against her person when  
8 he wrongfully and unlawfully arrested and imprisoned her without a warrant or probable cause  
9 and then sexually assaulted, harassed, molested and battered her.

10               71. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
11 Defendants acted under color of authority, within the course and scope of employment, agency,  
12 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
13 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
14 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
15 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
16 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
17 other female members of the general public similarly situated.

18               72. Defendants' conduct deprived Plaintiff of her rights to equal protection under  
19 the law and to due process of law, her right to be free from unreasonable search and seizure,  
20 and other rights guaranteed under the United States and California Constitutions, as well as  
21 statutory and common law rights as more specifically set forth herein.

22               73. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
23 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
24 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered  
25 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
26 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
27 trial, but not less than \$25,000.

28               74. As a direct and proximate result of Defendants' conduct, Plaintiff was required

1 to retain the services of legal counsel to prosecute this case. Plaintiff has reasonably and  
2 necessarily incurred legal fees, and Plaintiff is informed and believes that she will reasonably  
3 and necessarily incur further legal fees in the future, all in an amount to be proven at trial, but  
4 not less than \$25,000.

5 **XIII. NINTH CAUSE OF ACTION**

6 **(Negligence – Against All Defendants, Except OFFICER AREVALOS)**

7 75. Plaintiff incorporates herein paragraphs 1 through 74, above.

8 76. Defendants had a duty to Plaintiff and the general public to properly screen,  
9 hire, train, retain, supervise, report, discipline, monitor, control and terminate (when justified)  
10 its law enforcement officers, including Defendants OFFICER AREVALOS, SERGEANT  
11 FRIEDMAN, CHIEF BEJARANO, CHIEF LANSDOWNE, and individual DOE defendants,  
12 given the foreseeability of harm to the Plaintiff and other female members of the general public  
13 similarly situated, the degree of certainty that Plaintiff suffered injury, the closeness of the  
14 connection between the Defendants' conduct and the injury suffered, the moral blame attached  
15 to the Defendants' conduct, the policy of preventing future harm to Plaintiff and other female  
16 members of the general public, the limited burden on Defendants, the consequences to the  
17 community of imposing a duty on the Defendants to exercise care with the resulting liability  
18 for breach, the availability, cost and prevalence of insurance for the risk involved, the extent of  
19 the Defendants' powers, the role imposed upon Defendants by law and the limitations imposed  
20 on Defendants by applicable budgets, if any.

21 77. Defendants breached their duty to Plaintiff by failing to properly screen, hire,  
22 train, retain, supervise, report, discipline, monitor, control and terminate (when justified) its  
23 law enforcement officers, including Defendants OFFICER AREVALOS, SERGEANT  
24 FRIEDMAN, CHIEF BEJARANO, CHIEF LANSDOWNE, and individual DOE Defendants.

25 78. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
26 Defendants acted under color of authority, within the course and scope of employment, agency,  
27 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
28 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,

1 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
2 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
3 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
4 other female members of the general public similarly situated.

5       79. As a consequence of said negligence, Plaintiff suffered physical harm, serious  
6 and severe emotional distress in the form of anxiety, depression, humiliation, shame, loss of  
7 sleep, fear and rage and incurred, and continues to incur expenses for medical treatment as well  
8 as a loss of earnings and earning capacity, all in an amount to be proven at the time of trial, but  
9 not less than \$25,000.

10                          **XIV. TENTH CAUSE OF ACTION**

11                          **(Intentional Infliction of Emotional Distress – Against All Defendants)**

12       80. Plaintiff incorporates herein paragraphs 1 through 79, above.

13       81. Defendants' conduct, as alleged herein, was outrageous.

14       82. Defendants acted knowingly, willfully, and with malicious intent and did in fact  
15 intend to cause Plaintiff emotional distress, or Defendants acted with reckless disregard for  
16 Plaintiff's health, safety, welfare and well being, and did so with reckless disregard of the  
17 probability of causing Plaintiff emotional distress.

18       83. In so doing, and as alleged herein, OFFICER AREVALOS and all other  
19 Defendants acted under color of authority, within the course and scope of employment, agency,  
20 and in conspiracy with each other, and pursuant to the established unwritten official policy,  
21 custom, and practice of the SAN DIEGO POLICE DEPARTMENT, and as also alleged herein,  
22 the conduct of OFFICER AREVALOS and all other Defendants was consented to, ratified,  
23 approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for  
24 their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and  
25 other female members of the general public similarly situated.

26       84. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and  
27 substantial factor in causing Plaintiff harm. If not for the failures and misconduct of  
28 Defendants, as alleged in this First Amended Complaint, Plaintiff would not have suffered

1 physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame,  
2 loss of sleep, fear and rage all to her general damage, in an amount to be proven at the time of  
3 trial, but not less than \$25,000.

4 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 5       1. Special damages, according to proof;  
6       2. General damages, according to proof, but not less than \$25,000;  
7       3. Costs of suit;  
8       4. Punitive damages as against Defendants OFFICER AREVALOS, SERGEANT  
9                   FRIEDMAN, CHIEF BEJARANO, CHIEF LANSDOWNE and individual  
10          DOE Defendants, in an amount subject to proof at the time of trial;  
11       5. Attorney's fees and statutory penalties as applicable under the statutes specified  
12          herein; and,  
13       6. For such other and further relief as the Court may deem proper.

14  
15 Dated: March 7, 2012

DICKS & WORKMAN, APC  
  
By: \_\_\_\_\_  
Linda G. Workman,  
Attorneys for JANE DOE, Plaintiff

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